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ABSTRACT

As of 1978, a total of 43 states had enacted the Interstate Compact on the Placement of Children (ICPC), a law specifying those persons and agencies who must and those who need not follow ICPC procedures when placing a child into a family across state lines. In the early 1970s, funds were made available to the American Public Welfare Association (APWA) for the purpose of encouraging states to enact the ICPC and to facilitate the publishing and dissemination of standards for public foster family services. Thirty of the 43 states joined the compact during the APWA project's 6 years of activity. This report summarizes project activities the APWA performed while funded. Chapter 1 offers a discussion of the history and development of the ICPC, an overview of project objectives, a summary of major project activities, an evaluation of project accomplishments, and a summary of unresolved issues and problems. Focusing on the dissemination of public family service standards, chapter 2 provides a background and history of the project, a statement of project objectives, a description of the development of the publication "Standards for Foster Family Services Systems," a description of provision of technical assistance to the states to facilitate use of the standards, a discussion of revisions made in the original standards, and an assessment of the project. (RH)

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FINAL REPORT

GRANT NUMBER OCD-CB-134

Interstate Compact on the Placement of Children

Standards for Foster Family Services Systems Projects

VOLUME I: Narrative

Submitted to

Children's Bureau
Administration for Children, Youth, and Families
Department of Health, Education, and Welfare

Prepared by

American Public Welfare Association
1155 Sixteenth Street, N.W.
Washington, D.C. 20036

April 1979

PS 013927

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M. Foster Family Care: Recommendations for Change. Report of the South Dakota Task Force on Foster Family Care, December 1976.

N. A Study of Foster Family Care. A report by the Committee to Study Foster Family Services Systems, November 1977.

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INTRODUCTION

In March 1972 the Children's Bureau approved the funding of Grant Number OCD-CB-134 to the American Public Welfare Association (APWA). The grant was approved in response to a proposal submitted to the Children's Bureau on November 30, 1971, in which APWA sought grant support to assist states in enacting and in implementing the Interstate Compact on the Placement of Children (ICPC).

In December 1973, APWA proposed that the Children's Bureau fund a supplemental request, also under Grant No. OCD-CB-134. The objective of this supplemental request was to develop and disseminate standards or guidelines for public foster family services, using as a basis draft materials developed by the Children's Bureau pursuant to a mandate in H.R. 1-- the welfare reform legislation introduced in 1971. The Children's Bureau approved the supplemental request in March 1974.

The two separate but related projects funded under the grant continued through September 30, 1978, though under a no-cost extension for the final 15 months. In managing the projects, APWA was carrying out objectives the Children's Bureau had set for itself: to encourage states to enact the Interstate Compact on the Placement of Children, and to publish and disseminate standards for public foster family services.

This report summarizes the activities APWA performed under Grant No. OCD-CB-134 from the time of the initial approval of grant funding through the termination of funding. Regular monthly progress reports have been submitted throughout the project period, and no attempt is made here to report the progress of the project in the same detail. As a final

report, it provides an overview of activities, highlights major accomplishments, and includes as exhibits or appendices a number of major project products.

The report is organized into two chapters. The first reports on the project on the Interstate Compact on the Placement of Children; the second, on the project which later became known as the "Standards for Foster Family Services Systems" project.

I. INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

The project on the Interstate Compact on the Placement of Children was the first activity funded under Grant No. OCD-CB-134. This chapter summarizes APWA's conduct of the project. It contains five major sections:

- A discussion of the history and development of the Interstate Compact on the Placement of Children.
- An overview of the objectives of the project.
- Summary of major project activities.
- Evaluation of project accomplishments.
- Summary of unresolved issues and problems.

1. HISTORY OF THE INTERSTATE COMPACT

In order to view the Interstate Compact project in an historical perspective, it is useful to discuss briefly its origins.

Although there are reported to be some 200 interstate compacts in existence, only four deal with social welfare concerns: the Interstate Compact on Juveniles, the Interstate Compact on Mental Health, the Interstate Compact on the Supervision of Parolees and Probationers, and the Interstate Compact on the Placement of Children. Unlike uniform laws, a compact imposes contractual obligations upon the states which enact it. The contractual nature of a compact ensures that the provisions are carried out by both states which engage in a transaction and that the provisions can be enforced in both states taking part in any given transaction.

With regard to the interstate placement of children, many states had recognized over the years the need for some form of regulation over

interstate child placement activities. Their concerns resulted in their enactment of child importation and exportation statutes. In general, the thrust of these laws was to require that no child could be placed into or out of the state without consent of its state public child welfare agency. By the 1950's, although 29 states had importation statutes and nine had exportation statutes, the states found that there was little they could do to enforce their statutes, especially after a violation had occurred. See In Re Adoption of Lunger, 28 N.J. Super. 614 (1953), which held that a statute making placement of a child into the state without prior approval a misdeameanor could not be applied against a placement agency located outside the state.

In the early 1950's, there existed on the eastern seaboard, primarily states from Maine through Delaware, a regional continuing committee on social welfare. This committee was comprised of state legislators and representatives from state departments of public welfare. One of the key issues which this committee addressed was the area of interstate placement of children for adoption and foster care and the institutional placement of adjudicated delinquents.

Recognizing the inadequacies and deficiencies inherent in the importation and exportation statutes, the committee sought the creation of a legally sound mechanism which would establish and protect the responsibilities and rights of all the parties involved in an interstate child placement situation and which would have the additional benefit of being legally enforceable on an interstate basis. The committee turned to the New York City Regional Office of the Council of State Governments in an effort to develop an interjurisdictional law and accompanying rules, regulations,

and administrative procedures. The product of this undertaking was the creation of the Interstate Compact on the Placement of Children, which provides the necessary legal framework for child-placements in which two states are involved, thereby improving the protections both for the children and their caretakers. See Appendix A, "An Overview of the Interstate Compact on the Placement of Children," for further explanation of the ICPC.

In 1960, New York became the first state to enact the ICPC; New York was followed in the 1960's by all the New England states (except Massachusetts) and several others across the country.

2. OBJECTIVES OF THE PROJECT

States which enacted the Compact recognized two things:

- That the effect of the Compact is cumulative, i.e., the more states that are party to it, the more that will benefit from it.
- That a Compact must be uniformly administered if it is to achieve its purposes. Accordingly, in May 1965, the five states which had then enacted the ICPC worked with APWA to hold a first annual meeting of Compact administrators.

With the support of the states party to the Compact, APWA applied for the demonstration grant in November 1971. The grant objectives specified in the original proposal were as follows:

- To provide technical assistance and information to states expressing an interest in enacting legislation to join the Interstate Compact on the Placement of Children.

. To provide secretariat service to the party states in perfecting the utilization of this mechanism.

These objectives remained constant through the duration of the project. Because of the level of effort needed to assist new states to enact the ICPC, however, this endeavor became a secondary objective when the Children's Bureau granted APWA a no-cost extension in 1977 through September 30, 1978.

At the time the grant award was made in March 1972, the following 13 states had enacted the Compact: Connecticut, Delaware, Iowa, Kentucky, Louisiana, Maine, New Hampshire, New York, North Dakota, Rhode Island, Vermont, Washington, and Wyoming.

3. MAJOR PROJECT ACTIVITIES

The project became fully operational in October 1972 with the assignment of a project manager and support staff. To achieve the dual objectives of the project, project staff carried out a number of activities in support of assistance to states to enact the Compact and of provision of secretariat services to the party states to enhance the operation of the Compact.

(3.1) Assistance to States to Enact the Compact Legislation

At the outset, project staff recognized that there was little value in stimulating interest in the Compact without providing concrete help in actually securing its enactment in the state legislatures themselves. Two general activities laid the groundwork for the assistance to specific states:

. Preparation of a booklet which explains the Compact and its protections in the interstate placement of

children and contains the law and suggested enabling legislation. This booklet--the "red" book--has been printed twice, and has been widely distributed across the country. It is attached as Appendix B.

- Seeking endorsements from national organizations and groups having a legitimate interest in child placement policies and practices. The project secured the endorsement of groups such as the Child Welfare League of America, the National Conference of Catholic Charities, the Western Association of Attorneys General, the Council of State Governments, the American Association of Public Welfare Attorneys, the American Legion's Children's Division, and the Mid-West Adoption Facilitating Council. Additional endorsements were also secured from organizations and groups at both the state and local levels.

With the preparation of a booklet providing basic information on the Compact and armed with endorsements from a number of major organizations, the project staff were prepared to actively assist the non-Compact states and jurisdictions to enact the legislation. The activities project staff engaged in, in general, were the following:

- Conducting meetings with public, private, and voluntary child placing agencies in all non-Compact states in an effort to demonstrate at

the local level just how the Compact would serve to protect children placed across state lines. This effort sometimes included working with child advocacy groups within a state and encouraging them to adopt the Compact as one of their efforts on behalf of children.

- Drafting enabling legislation for the individual states which would serve to implement the Compact. The enabling legislation would be adapted to each state's particular laws and structure, though the language of the Compact itself was always identical. Early experience in the project demonstrated that chances for having a bill introduced into the legislature were vastly improved if project staff wrote the legislation rather than relying on state legislative bureaus to prepare the legislation.
- Soliciting a sponsor in both houses of a state's legislature--someone who would introduce the bill and follow it through the session.
- Testifying at legislative hearings on the merits of the Compact legislation. The project staff's ability to present informed testimony made a considerable difference in securing passage of the legislation, especially when there was opposition at the hearings.
- Preparing, as part of the testimony, a written analysis of a state's existing child placement statutes. The analysis assessed the impact of the Compact on a state's

existing law and demonstrated how the Compact would improve the protections to the state's children beyond those afforded in the state's other laws. In order to prepare the state-by-state analysis, project staff relied on both the Library of Congress' law library and local law libraries to which APWA had access.

After a state had enacted the legislation, project staff carried out two activities to assist the state public child welfare agency prepare for the actual implementation of the law:

- Assisting state agency administrators to develop regulations and administrative procedures which would form the basis for a state's administration and operation of the Compact. This task was important in introducing new states to established procedures and in assuring uniformity of interpretation and application of the Compact.
- Conducting in-service training programs within each state. Depending upon the state, the project staff would train staff from both public and private agencies and the juvenile courts, and reach both direct service and administrative staff. In several instances, project staff made video taped sessions which were later shown to workers unable to attend the "live" training sessions.

In addition to the special activities within each state after enactment of the legislation, project staff provided services to assist the

states party to the Compact to work together to carry out the purposes of the Compact. These services are the subject of the next section.

(3.2) Secretariat Services to the States Party to the Compact

APWA began providing secretariat services to the Compact states in 1965, well in advance of any outside funding. With the approval of the Children's Bureau grant, however, the project staff were able to greatly expand both the scope and the amount of those services, thereby ensuring the successful implementation of the Compact. As the concept of the secretariat evolved during the project period, it came to include the following functions:

- Legal consultation: Preparation of legal interpretations of the ICPC, its relationship to other laws, and advice to states on difficult case situations.
- Mediation of disputes between states: During the project (and up to the present time) there has never been a suit between states over the ICPC. Part of this success is believed due to the fact that states looked to the project staff for assistance in resolving disputes before they reached the litigation stage.
- Technical assistance and training to member states: In addition to the training which all new states received after enactment of the Compact, project staff provided on-going technical assistance to the Compact administrators and were occasionally called upon to assist a Compact administrator in training efforts after the Compact had been in effect for some time.

- Data collection systems development and data analysis: The first statistical information system was put into place in 1977. The intent was to collect data on the interstate placement of children, data which nowhere exist. The statistical information system was revised in early 1978 and the revisions went into effect in July 1978 (See Exhibit I following this page for the statistical information system forms--the ICPC-100C and ICPC-100D). Because statistics are collected on a quarterly basis, no data were available (under the revised system) at the time the grant terminated on September 30, 1978.
- Development and maintenance of a two-volume Compact Administrators' manual. The manual, a cornerstone of secretariat service, is discussed in depth below.*

In its two volumes and some 200 pages, the Compact Administrators' manual exemplifies the secretariat services provided by the project to the ICPC states. The manual contains five chapters:

- Chapter 1. Interstate Compact on the Placement of Children--Text, Regulations, Forms, and Procedures. Two of the forms in this chapter are the ICPC-100A--"Interstate Compact Application Request to Place Child," and the ICPC-100B--"Interstate Compact Report

*Copies of the Compact Administrators' manual have not been attached. Children's Bureau staff have three copies which are updated as changes are made.

EXHIBIT I

QUARTERLY STATISTICAL REPORT: PLACEMENTS INTO AN ICPC STATE

ICPC-100C

REVISED - MAY 1978

REPORTING STATE _____

QUARTER/YEAR _____

1. TYPE OF PLACEMENT — NUMBER OF COMPACT PLACEMENTS MADE BY:

TYPE OF PLACEMENT	Public Agency	Private Agency	Court	Individual
Parent(s)				
Relative				
Foster Home				
Adoptive				
Group Home				
Residential				
Institution				
TOTAL				

2. SEX OF CHILDREN: ___Male ___Female ___Unknown

3. AGES OF CHILDREN: ____Under 1 ____1-5 ____6-10 ____11-15 ____16-18 ____19-21

4. Number of placements and days between receiving ICPC-100A and signature of Compact Administrator:

_____0-30 _____31-60 ____61-90 ____Over 90

5. Number of placements into your state brought into retroactive compliance on the 100-A during the reporting quarter: _____

6. Total number of placements into your state terminated:

Adoption finalized (receiving state)	
Adoption finalized (sending state)	
Child reached age of majority	
Child legally emancipated	
Custody returned to parents	
Unilateral termination	
Number of children returned to sending state for replacement	
Other or unknown reason	
TOTAL:	

7. Number of children replaced in receiving (your state) _____

STATUS OF REFERRALS RECEIVED:

Sending State	Approved	Denied	Requests Received
8. COMPACT STATES			
Alaska			
Arizona			
California			
Colorado			
Connecticut			
Delaware			
Florida			
Georgia			
Idaho			

COMPACT STATES

Sending State	Approved	Denied	Requests Received
Illinois			
Indiana			
Iowa			
Kansas			
Kentucky			
Louisiana			
Maine			
Maryland			
Massachusetts			
Minnesota			
Mississippi			
Missouri			
Montana			
Nebraska			
New Hampshire			
New Mexico			
New York			
N. Carolina			
N. Dakota			
Ohio			
Oklahoma			
Oregon			
Pennsylvania			
Rhode Island			
S. Dakota			
Tennessee			
Texas			
Utah			
Vermont			
Virginia			
Washington			
W. Virginia			
Wisconsin			
Wyoming			
TOTAL COMPACT			

9. NON-COMPACT STATES

Alabama			
Arkansas			
D.C.			
Hawaii			
Michigan			
Nevada			
New Jersey			
Puerto Rico			
S. Carolina			
Virgin Islands			
TOTAL NON-COMPACT			

10. FOREIGN COUNTRIES

_____			
_____			

EXHIBIT I

QUARTERLY STATISTICAL REPORT:
PLACEMENTS OUT OF AN ICPC STATE

ICPC-100D

REVISED - MAY 1978

REPORTING STATE _____

QUARTER/YEAR _____

NUMBER OF COMPACT PLACEMENTS MADE BY:

1. TYPE OF PLACEMENT	Public Agency	Private Agency	Court	Individual
Parent(s)				
Relative				
Foster Home				
Adoptive				
Group Home				
Residential				
Institution				
TOTAL				

2. SEX OF CHILDREN: ___Male ___Female ___Unknown

3. AGES OF CHILDREN: ___Under 1 ___1-5 ___6-10 ___11-15 ___16-18 ___19-21

4. Number of placements and days between sending ICPC-100A and receipt back:

_____0-30 _____31-60 ____61-90 ____Over 90

5. Number of placements out of your state brought into retroactive compliance on the 100A during reporting quarter: _____

6. Total number of placements out of your state terminated:

Adoption finalized (receiving state)	
Adoption finalized (sending state)	
Child reached age of majority	
Child legally emancipated	
Custody returned to parents	
Unilateral termination	
Number of children returned to sending state for replacement	
Other or unknown reason	
TOTAL	

7. Number of children replaced in receiving state: _____

STATUS OF REFERRALS SENT:

Receiving State	Approved	Denied	Requests Sent
8. COMPACT STATES			
Alaska			
Arizona			
California			
Colorado			
Connecticut			
Delaware			
Florida			
Georgia			
Idaho			
Illinois			
Indiana			
Iowa			
Kansas			
Kentucky			
Louisiana			
Maine			
Maryland			
Massachusetts			
Minnesota			
Mississippi			
Missouri			
Montana			
Nebraska			
New Hampshire			
New Mexico			
New York			
N. Carolina			
N. Dakota			
Ohio			
Oklahoma			
Oregon			
Pennsylvania			
Rhode Island			
S. Dakota			
Tennessee			
Texas			
Utah			
Vermont			
Virginia			
Washington			
W. Virginia			
Wisconsin			
Wyoming			
TOTAL COMPACT			
9. NON-COMPACT STATES			
Alabama			
Arkansas			
D.C.			
Hawaii			
Michigan			
Nevada			
New Jersey			
Puerto Rico			
S. Carolina			
Virgin Islands			
TOTAL NON-COMPACT			
10. FOREIGN COUNTRIES			
_____			
_____			

on Placement Status Change of Child." (See Exhibit II, following this page, for these forms.) These forms, developed by the project and accepted by the Association of Compact Administrators, ensure that all Compact states use identical forms with identical information for placements made under the Compact.

. Chapter II. Interpretative Materials on the Interstate Compact on the Placement of Children. This chapter contains a lengthy interpretative summary of the provisions of the Compact, a discussion of related Compacts (Mental Health and Juveniles), and an article (See Appendix C) written by project staff and published in Juvenile Justice.

. Chapter III. Secretariat Opinions. The secretariat opinions, 40 in number, are advisory opinions written by the secretariat at the request of persons administering the Compact. The opinions cover a wide range of situations involving the Compact; they offer legal analysis and interpretation of the situation in question. Because the Compact is a state law and must ultimately be interpreted by the state and its courts, the secretariat opinions are advisory and clearly not binding upon any of the states.

. Chapter IV. Association of Administrators of the Interstate Compact on the Placement of Children. Article VII of the Compact provides the legal basis for the formation of an association of persons administering the Compact. This chapter contains the articles of organization for that association.

EXHIBIT II

ICPC-100A
July 1973

INTERSTATE COMPACT APPLICATION
REQUEST TO PLACE CHILD

TO: (Name and Address of Compact Administrator of Receiving State)	FROM: (Name and Address of Compact Administrator of Sending State)

SECTION I - IDENTIFYING DATA

Approval is requested for the placement of: NAME OF CHILD	DATE OF BIRTH
NAME OF MOTHER	NAME OF FATHER
NAME OF AGENCY OR PERSON RESPONSIBLE FOR PLANNING FOR CHILD	TELEPHONE NO.
ADDRESS	
NAME OF AGENCY OR PERSON FINANCIALLY RESPONSIBLE FOR CHILD	TELEPHONE NO.
ADDRESS	

SECTION II - PLACEMENT

NAME OF PERSON CHILD IS TO BE PLACED WITH	TELEPHONE NO.
ADDRESS	

TYPE OF CARE:

- ☐ Foster Family Care
- ☐ Group Home Care
- ☐ Adoption
- ☐ Residential Treatment Center
- ☐ Institutional Care
- ☐ Placement with Relative
  Relationship_____

Adoption to be Completed in:

- ☐ Sending State
- ☐ Receiving State

SECTION III - SUPERVISION

- ☐ Sending Agency to Supervise
- ☐ Another Agency Agreed to Supervise

Reports Requested:

- ☐ Quarterly
- ☐ Semi-Annually
- ☐ Upon Request
- ☐ Other_____

NAME AND ADDRESS OF SUPERVISING AGENCY IN RECEIVING STATE

☐ Sending Agency requests Receiving Agency to arrange for Supervision:
Enclosed:

- ☐ Summary for Child as suggested in the Compact Procedures
- ☐ Summary of Home Study as suggested in the Compact Procedures
- ☐ Other Enclosures

SIGNATURE OF SENDING STATE COMPACT ADMINISTRATOR OR ALTERNATE — DATE SIGNED

SECTION IV - ACTION BY RECEIVING STATE

- ☐ Approval Granted
- ☐ Approval Not Granted

REMARKS

SIGNATURE OF RECEIVING STATE COMPACT ADMINISTRATOR OR ALTERNATE — DATE SIGNED

DISTRIBUTION

Complete 6 copies of this form
Sending Agency retains one copy and forwards 5 copies to:
Sending Compact Administrator who retains one copy and forwards four copies to:
Receiving Compact Administrator indicates action (Section IV) and forwards one copy to Receiving Agency and 2 copies to Sending Compact Administrator within 30 days.
Sending Compact Administrator retains one completed copy and forwards the other completed copy to the Sending Agency.

EXHIBIT II

ICPC-100B
May 1976

INTERSTATE COMPACT REPORT
ON PLACEMENT STATUS CHANGE OF CHILD

TO: (Name and Address of Compact Administrator)	FROM: (Name and Address of Compact Administrator)

PRESENT PLACEMENT STATUS OF CHILD

NAME OF CHILD	DATE OF BIRTH

NAME OF MOTHER

NAME OF FATHER

☐ Placed with: Name Address		Date
☐ Discharged from Placement: Name Address		Date
☐ Placement Cancelled	Date Cancelled	
☐ Placement Status Changed While in Receiving State: Type of Change _____	Name	Date of Change

NEW ADDRESS

☐ Adoption finalized in Sending State		Date finalized
☐ Adoption finalized in Receiving State		Date finalized
☐ Legal custody returned to	Name	Date of Return

SIGNATURE OF REPORTING COMPACT ADMINISTRATOR OR ALTERNATE	DATE SIGNED

DISTRIBUTION

Complete 4 copies of this form

Reporting Agency retains one copy and forwards three copies to:

Reporting Compact Administrator retains one copy and forwards 2 copies to:

Reciprocal Compact Administrator in the other state retains one copy, forwards one copy to the reciprocal agency.

Chapter V. State Pages. As new states entered the Compact, the project staff prepared a page of vital information for each. In addition to the names and addresses of the persons administering the Compact, the page contains brief summaries of important state laws and citations for them. The project staff updated state pages as the states changed their staff or their laws. Exhibit III, following this page, shows an example of a typical state page.

The development and maintenance of the Compact Administrators' manual was one of the major tasks involved in achieving the project's second objective: to assist states in utilizing the Compact. Two copies of the manual were provided to each Compact state, and states often purchased additional copies. In addition, manuals have been purchased by national organizations, judges, private and local public children's service agencies, and libraries. Some 200 copies of the manual have been distributed, resulting in a broad dissemination of detailed information about the Compact.

4. MAJOR PROJECT ACCOMPLISHMENTS

This section briefly assesses the outcome of each of the project's two objectives. A formal assessment of the project was not included in the project's approved objectives, so the comments below are based on experience rather than formal evaluation.

(4.1) Assistance to States in Enacting the Compact

At the time the project began, 13 states had enacted the Compact. These 13 states joined the Compact over a 12-year period, from 1960 to 1972. During the five project years staff actively worked with states to bring

EXHIBIT III

INDIANA STATE PAGE

COMPACT ADMINISTRATOR:

Wayne A. Stanton, Administrator
State Department of Public Welfare
100 North Senate
Indianapolis, Indiana 46204

DEPUTY COMPACT ADMINISTRATORS:

Mrs. Norma Goldberg, Assistant Director
Mrs. Patricia Vesper, Supervisor
Division of Child Welfare - Social Services
State Department of Public Welfare
141 South Meridian Street
Indianapolis, Indiana 46225
Telephone: (317) 633-7690

Correspondence should be addressed to one of the Deputy Compact Administrators.

PLACEMENTS:

Independent placements. Courts may waive prior approval of home by an agency for in-state placements. Placement of dependent children from out-of-state requires the prior approval of the State Department of Public Welfare (IC 31-3-1-3). All placements of of dependent children into Indiana require a licensed child-placing agency in the sending state to have legal custody of the child (regulation 3-505).

Licensing requirements. Licensing required for family homes to which board is paid, group homes, child care institutions, private child-placing agencies. (IC 12-3-2)

Reports. Established according to policy and procedures of agency making placement. Foreign adoptions require a full year of supervision with a minimum of four reports.

Adoption petition. Petitioner(s) must be Indiana residents. Petition may be filed after placement, but law requires a period of supervision and a court summary by a county department of public welfare or licensed child-placing agency prior to granting the adoption. The period of supervision is usually six (6) months to one (1) year at the discretion of the court.

Age of majority. 18 years, but wardship may continue until age 21. Emancipation occurs upon marriage.

Court jurisdiction. Juvenile Court has jurisdiction in dependency, abuse, neglect and delinquency; Probate Court has adoption and termination of parental rights jurisdiction; Circuit or Superior Courts have divorce jurisdiction.

Statutory penalties under Article IV. Penalty for placement or assisting in placement by an unlicensed agency or person is a misdemeanor, 180 days and fine up to $1,000. Revocation of license (IC 12-3-2-10)

SPECIAL INFORMATION REQUIRED: All Interstate correspondence must be sent to the Deputy Compact Administrator, and not directly to the local agency.

International adoption agencies must be approved by the State Department of Public Welfare.

ICPC CODE CITATION: IC 12-3-23-1 et seq.

them into the Compact, 28 additional states joined the Compact. Two other states joined during the final project year; both had previously received assistance from the project.

The project years and the states which joined during each year are the following:

- 1973--Minnesota, North Carolina, and Pennsylvania
- 1974--California, Florida, Illinois, Nebraska, Oklahoma, South Dakota, and Tennessee
- 1975--Colorado, Maryland, Massachusetts, Missouri, Montana, Oregon, Texas, Utah, Virginia, and West Virginia
- 1976--Alaska, Arizona, Idaho, Kansas, Mississippi, and Ohio
- 1977--Georgia and New Mexico
- 1978--Indiana and Wisconsin

Though it is not possible to speculate about how many of these states might have entered the Compact without the project's assistance, the fact that 30 states joined the Compact during the six project years (as opposed to 13 states during the previous 12 years) appears as evidence that the project had an impact in encouraging states to join.

(4.2) Assistance to the States to Enhance the Implementation and Operation of the Compact

Without an impartial evaluation of the operation of the Compact, it is difficult to assess the project's success in enhancing the implementation and operation of the Compact. There are, however, a number of indicators which point to a positive result:

- All member states have, under the guidance of the project staff, been willing to adopt standard forms, policies, and procedures.
- Many persons and organizations outside the Compact states have found the manual sufficiently useful to purchase copies for $16.50 a set.
- With virtually no exceptions, states have accepted and are following the interpretations developed by project staff in the secretariat opinions. For example, states are uniformly applying the Compact to certain intercountry adoptions, an interpretation developed in three secretariat opinions and a position paper. States' willingness to accept the secretariat opinions as their own policy has helped to ensure uniformity in use of the Compact.
- As noted above, there has been no litigation between states. If states were following vastly different policies, one would expect litigation to result when different interpretations lead to irreconcilable conflicts.
- Opinions of the Attorney Generals of Oregon* and California** are essentially consistent with those taken by the project staff.

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*Opinion of the Attorney General of Oregon regarding the application of the Compact to international adoption agencies. See Opinion Request OP-3925, May 3, 1977.

**Opinion No. CV 78/45, December 8, 1978, regarding the responsibilities of the juvenile court under the Compact and dealing with certain aspects of placements made with parents and relatives.

- The Compact is being used to place children across state lines. Extrapolations from recent statistics (third quarter 1978) indicate that as many as 12,000 children are being placed through the Compact each year. Though there is no way to learn of placements being made in violation of the Compact (violators can be prosecuted, so are not eager about coming forth), the magnitude of known placements points to a high degree of compliance.

Though in no way conclusive, these facts indicate that the law has been implemented and that it is being uniformly applied. The activities carried out by project staff in this regard certainly appear to have contributed to this outcome.

5. UNRESOLVED ISSUES AND PROBLEMS

As they achieve their objectives, projects often raise new issues; sometimes a success even creates a difficulty in another area. The Interstate Compact project was no different. This section summarizes a number of unresolved problems and issues associated with the Interstate Compact project.

- In funding the project, the Children's Bureau did not foresee the need to assess the effectiveness of the Compact law itself in protecting children placed across state lines. The previous section noted that the project appeared to have some success in working with states to implement the law. The effectiveness of the law itself--in ensuring that children are placed legally, that agencies

retain responsibility, that receiving states evaluate proposed placements adequately, and soon--remains unanswered.

- The Compact requires that a sending agency retain financial responsibility for children placed into another state. This provision, while generally salutary, has created some complications in a number of areas: payments for AFDC foster care, Medicaid, and public school tuition for children placed in foster homes or with relatives. None of these issues has been satisfactorily resolved, in part because they involve both federal regulation and state law.
- Like any state program, the operation of the Compact is affected by the resources allocated by the state. Lack of funds in several states has left the Compact office understaffed, a condition which creates a backlog of requests. One state has created two offices to handle Compact placements, thereby confusing other states who have to relate to two offices and two sets of staff members. Except through persuasion, project staff had no way to effect any changes in the way states carry out their responsibilities. Unfortunately, however, one state's problems affect 42 other states' placements.
- Though rudimentary, the statistical information system has the promise to provide the only nationally available statistics on the interstate movement of children.

Though the Compact states have accepted the system, many have failed to complete their quarterly statistics. There is no way that the project staff could compel states to participate; the result is incomplete and sometimes inaccurate data.

These are some of the difficulties which the Compact states face. Insofar as the Association of Compact Administrators is an affiliate group of the American Public Welfare Association, APWA will continue to work with the Compact administrators to assist them in working out some of these difficulties and to continue to provide some secretariat services to the Compact states. In that respect, the efforts begun under the financial support of the Children's Bureau will continue (at a reduced level), even though the funding has ceased. Continuation of the secretariat services is essential if the Compact is to be administered as the uniform law it is, not as 43 separate state laws interpreted differently by each state.

II. STANDARDS FOR FOSTER FAMILY SERVICES SYSTEMS PROJECT

This chapter presents a final report on the second project funded under Grant No. OCD-CB-134: the project which came to be known as the "Standards for Foster Family Services Systems" project, named after the publication it initially produced.

There are six major parts to this chapter:

- Background and history of the project.
- Project objectives during the five project years.
- Development of the publication Standards for Foster Family Services Systems during the first phase of the project.
- Use of the Standards to assist states upgrade their foster family service systems, the second phase of the project.
- Revision of the original Standards, the third phase.
- Assessment of the project.

The next section provides an overview of the impetus for the development of standards for public foster family services.

1. IMPETUS FOR THE DEVELOPMENT OF STANDARDS FOR PUBLIC FOSTER FAMILY SERVICES

When H.R. 1--the "Family Assistance Plan"--was introduced into Congress in 1971, it required that the Secretary of HEW specify standards which public agenices must meet in order to receive federal funding for institutional and foster family care. Although H.R. 1 was never passed, its introduction set into motion the machinery which created a set of

standards for public foster family services.

After the bill was introduced, the Secretary of HEW directed the Children's Bureau to proceed with the development of the standards. On July 30, 1971, a committee composed of individuals with responsibility in child welfare services--from federal, state, local, public, and voluntary agencies--met to develop a plan of action to carry out the Secretary's mandate.

This committee recommended that a National Task Force on Federal Standards for Foster Family Services be formed. The task force, in order to be broadly representative, should consist of representatives from federal, state, local, and voluntary agencies, and should include all levels of staff (administrators, supervisors, caseworkers) as well as foster parents and consumers of foster family services. The task force which resulted met these criteria. Subcommittees developed a rough draft of the standards according to an analysis of state agency standards and the CWLA standards for foster care. This draft was submitted to the National Task Force for review and comment, and a second draft was prepared.

This document was to provide the basis for the APWA project on foster family care standards.

2. PROJECT OBJECTIVES

The project was conducted in three distinct phases, each with its own objectives:

- Phase One had the objective of preparing for publication a set of foster care standards for

public agencies.

- The objective of Phase Two of the project was to "assist states in defining their status relative to APWA's Standards for Foster Family Services Systems, in developing a plan for implementation of the basic or goal Standards, and in monitoring progress."
- The primary objective of Phase Three of the project was to select a task force to assist with the revision of the original Standards, and to submit a camera-ready copy of the revised standards to the Children's Bureau for publication.

These project objectives were designed to carry out one of the Children's Bureau's five major objectives for 1975: "Developing and disseminating standards and guidelines for foster family services systems and assisting states and localities to adopt and implement the standards." The next three sections of this report summarize the major project activities in each one of the three project phases.

3. PHASE ONE: DEVELOPMENT AND PUBLICATION OF THE ORIGINAL STANDARDS

Phase One began in September 1973 and ended with the publication of the Standards for Foster Family Services Systems in March 1975. The major project activities carried out during this period include the following:

- Project staff, in collaboration with Children's Bureau staff and using the standards drafted for H.R. 1, developed a revised draft of the standards.
- The revised draft was sent out to about 500

commentators for review, comment, correction, and recommendation. The commentators included representatives from federal, state, local, and voluntary agencies, national associations, and minority groups.

- When comments were received, project staff readied the standards for publication. After revision and editing, 7,000 copies of the Standards for Foster Family Services Systems were printed on March 15, 1975.

Publication of the Standards brought Phase One of the project to a successful close and met the first part of the Children's Bureau's objective articulated above.

4. PHASE TWO: PROVISION OF TECHNICAL ASSISTANCE TO THE STATES TO USE THE STANDARDS

Phase Two began after publication of the Standards and continued intensively for about two years, through the summer of 1977. Initial preparatory activities under Phase Two arose logically from Phase One:

- Personal letters and copies of the Standards were sent to all state commissioners of welfare and directors of departments of social services. The letter sent announced both the publication of the Standards and the availability of technical assistance from APWA project staff.
- A brochure announcing the APWA project was designed and printed in May 1975 (See Appendix D). After an

initial printing of 7,400 copies, several thousand were sent to state commissioners of welfare, directors of departments of social services, Children's Bureau regional specialists, national associations, legislators, universities, state practitioners, and others interested in services to children.

The far-reaching efforts to publicize both the Standards and the availability of technical assistance to use the Standards arose from concerns by both the Children's Bureau and APWA that the Standards not languish on bookshelves, but that they be actively used to bring about positive changes in the ways states provided foster family services. The actual selection of up to 20 states in which to implement the Standards was to be made according to a state's willingness to participate and the Children's Bureau's regional goals for the state.

(4.1) Development and Distribution of Resource Materials

One of the objectives of the technical assistance phase of the project was to "develop, collect, and disseminate foster family services resource material to render technical assistance and to contribute to the knowledge in the field." To prepare themselves to offer expert assistance, the project staff undertook the following kinds of activities:

- Development of a resource file on foster care and related issues. The resource file included a wide range of current articles, books, and reports. Materials were catalogued in topical bibliographies which were updated as additions

were made to the file.

- Publishing two articles of interest to foster care workers: "Legal Consultation for Child Welfare Workers," and "Preparing for a Neglect Proceeding: A Guide for the Social Worker." See Appendices E and F for these two articles.
- Development of a handbook titled "Children's Rights Materials," containing relevant excerpts from the Standards, several articles, court cases, and bills of rights for children.
- With regional Children's Bureau staff, development of an assessment guide which states could use to assess the extent to which their foster family care systems complied with the Standards.

The various resource materials assembled by or written by the project staff were used along with the Standards in the direct provision of technical assistance, or were sent in response to inquiries from persons interested in a specific topic.

(4.2) Types of Technical Assistance Provided

This section highlights the types of technical assistance provided by the project, beginning in Phase Two and continuing through the end of the grant period on September 30, 1978.

In a July 1975 report to the APWA Board of Directors, project staff outlined the following procedure for technical assistance:

Impart national perspective on trends in foster family services systems. Provide resource materials pertinent to state assessment process. Team with Central Office CB Foster Family Specialist and Regional CB Specialist in the following process;

a. Planning conference with Responsible State Agency

b. Formation of a team to do the following:

1. Participate in study of the state's foster family services system, including but not limited to: policy and caserecords review and interviews with all levels of staff.

2. Summary of facts and development of recommendations.

3. Development of time-limited objectives to reach Basic Standards or benchmarks of Goal Standards.

4. Written agreements for monitoring by team with dates.

5. Replanning of time-limited objectives based on results of monitoring.

The "team" mentioned in this report was intended to include agency staff members, persons from private agencies involved in foster care, foster parents, and various members of the public including court personnel, legislators, academicians, and others concerned with the quality of the state's foster family care system. Such a broadly representative team was thought to be able to perform a more objective assessment and later to assist the agency in marshalling the resources necessary to implement the recommendations.

Project staff found, however, that many states seeking technical assistance were not prepared to adhere only to this process and to use the Standards in a thorough assessment of their foster family care service systems. As a result of the states' expressed needs, the Standards were ultimately used in a number of ways beyond those originally envisioned:

- To assist states to revise their foster care regulations and their foster family home licensing standards.
- To assist states to review and revise their foster family services manual materials.
- To assist states to prepare general reports on the status of foster family care within the state.

The next section reports on the project's involvement with various states.

(4.3) Project Involvement with Provision of Technical Assistance--by State

The project was intended to assist some 20 to 25 states with the use of the Standards. By July 1975, 11 states had made formal requests for technical assistance: Arizona, California, Idaho, Illinois, Montana, New York, Pennsylvania, South Carolina, Tennessee, Utah, and West Virginia. An additional eight states had expressed some interest, but had not made an official request: Arkansas, Indiana, Maryland, Minnesota, New Hampshire, Puerto Rico, Texas, and Virginia.

A state's request for and participation in the technical assistance program was voluntary. As a result, some states which requested assistance never organized an assessment of their foster family service systems. Others which had not originally requested help later did so and received assistance. What follows is a state-by-state report on the states in which the project had ongoing and extensive involvement. It includes all technical assistance activities through the end of the grant funding on September 30, 1978.

- Alaska: Alaska used the Standards to assess its foster family service system. Project staff worked with the Alaska task force during the time the assessment was underway. The assessment began in the summer of 1976 and the final task force report was published in July 1977. See Appendix G for final report.
- Connecticut: During the summer and fall of 1977, project staff worked with the Department of Children and Youth Services to assist in the revision of policies and manual materials for foster care services. Assistance was provided on a regular and frequent (twice a month) basis during the initial stages of the work.
- Delaware: Delaware completed an assessment of its foster family services system, using a task force and with the assistance of project staff. The assessment process began in June 1977; the final report was issued in January 1978. After the issuance of the final report, the project staff continued to meet with the task force as it sought to follow up on the implementation of the recommendations. See Appendix H for the Delaware report.
- Illinois: The Standards were used by the Advisory Council to the Department of Children and Family Services to assess portions of the Illinois system. Project and Children's Bureau staff participated in this process. See Appendix I for a summary of the final Illinois report.

- Massachusetts: Technical assistance by the project was requested in August 1977 to assist the Department of Public Welfare to develop social services and child welfare manuals. The Department had been found out of compliance with standards set by the Massachusetts Office for Children. Project staff worked with the Department during the initial stages of the revisions, including analyzing the portions of the Department's policies found to be out of compliance in terms of their compliance with the Standards.
- New York: Project staff provided assistance to staff from the Board of Social Welfare in revising New York's regulations for foster family care. The assistance began in June 1976 and continued through May 1977, when a draft set of regulations had been published and reviewed. See Appendix J for the New York regulations.
- Ohio: Project staff participated as part of a time-limited work group to develop definitions of residential treatment service for children in September 1977.
- Pennsylvania: The Commonwealth Child Development Committee sponsored a task force on foster care services, whose charge was to develop position papers in four areas of concern within child welfare in Pennsylvania. Project staff's involvement with the task force began in March 1977 and continued through the completion of its activities in December 1977. The task force produced four

lengthy reports; the report of the subgroup in which project staff participated directly--the group dealing with rights and responsibilities of persons in the foster care system--is attached as Appendix K.

. Rhode Island: Rhode Island used the Standards and technical assistance from the project in revising its standards for foster family homes. The project's direct involvement with this process began in July 1977 and continued through early 1978, when the majority of the work, except for refinement, had been completed. In carrying out this revision, Rhode Island used a task force which was broadly representative of the professional community. The revised standards have not yet been published, but the most recent draft is included as Appendix L.

. South Dakota: South Dakota was the first state to complete an assessment of its foster family services system using the Standards and with the project's technical assistance. This assessment was conducted by a task force comprised of public and private agency staff, foster parents, and a number of consultants. The task force began its work in March 1976 and completed its final report in December 1976. A copy of the final report is attached as Appendix M.

. Tennessee: Tennessee began an evaluation of its foster family services system in February 1976. A task force

was appointed and divided into subcommittees according to a logical division of the Standards. With the assistance of project staff, the task force continued its work over the course of the next 21 months; the final report was submitted to the Commissioner in November 1977. A copy of the report is attached as Appendix N.

Utah: Utah's use of the Standards to assess its foster family services system began in late 1975. Though Utah never used a task force comprised of persons outside the Division of Family Services, it did involve both APWA project staff and Children's Bureau regional staff. The final Utah report was completed in June 1977, and is attached as Appendix O.

The states listed above are those in which the project's efforts were extensive and produced the most tangible results. Considerable time was devoted by project staff to work with a number of other states, either to prepare them to undertake an assessment of their system or to provide specific technical assistance to administrative and field staff. Among the states to which the project devoted considerable attention are the following: Arizona, California, Iowa, Kansas, Minnesota, Nebraska, New Mexico, Puerto Rico, Texas, and West Virginia.

In addition to working directly with states, project staff often presented workshops or talks at conferences such as the regional conferences sponsored by APWA and the Child Welfare League of America, or at foster

parent conferences. Staff reached a variety of persons through these methods; the impetus for the Delaware assessment, for example, came from a direct service worker who attended a presentation on the project at an APWA regional conference.

5. PHASE THREE: REVISION OF THE ORIGINAL STANDARDS

One of the objectives of the no-cost extension of the project granted by the Children's Bureau in 1977 was to revise the original Standards. Project and Children's Bureau staff had found, as they used the Standards, ways in which they might be better organized and had also discovered where there were gaps in some of the material. In addition, in the time which had elapsed since the publication of the original document, a number of new practices had been developed--case review systems, for example--which were not adequately covered in the original Standards.

Accordingly, project staff and Children's Bureau staff worked together to develop a process for the revision of the Standards. The revision occurred in the following manner:

- APWA and CB staff identified a standards revision task force. A major criterion for selection was familiarity with the original Standards; to that end, many of the task force members had served on task forces which had used the Standards within various states. As it was finally constituted, the task force included 26 persons. See Exhibit IV, following this page, for the list of task force members.
- Task force members were asked to express their preference

EXHIBIT IV

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for revising specific standards. They were assigned standards, and asked to make initial revisions with the assistance of their colleagues.

- Task force members mailed in their revised standards, which were compiled by project staff and mailed out to all task force members.
- The task force met as a group in Washington, D.C., on May 11-12, 1978, to discuss the drafts and make additional revisions.
- APWA project staff revised the standards according to the suggestions of the task force members, then sent the revised drafts out for review. An additional twelve persons were asked to review the drafts; see Exhibit V, following this page, for their names.
- Comments from task force members and reviewers were used to develop a revised draft, which was then sent back out for review.
- Following this second review, APWA staff prepared a final draft of the revised standards, which was submitted to the Children's Bureau on October 3, 1978.
- APWA also prepared and submitted to the Children's Bureau a User's Guide to the revised Standards, the purpose of which was to assist states in using the Standards to conduct assessments of their systems.

At the time of this report, the revised Standards and the User's Guide are still awaiting publication by the Children's Bureau. When they

EXHIBIT V

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are published, the revised Standards and the User's Guide will represent, as did the original Standards, the only nationally recognized standards for public foster family services.

A comparison of the revised Standards with the 1975 Standards will reveal that the following major changes have been made:

- The basic goal standards have been merged into a single standard which represents a level of practice both desirable and attainable.
- The number of the standards has been reduced to 15 from 20. The reduction represents a reorganization and a combination of material rather than the deletion of any material except for the separate standard on Native American children and their families.
- Some new material has been added, especially with regard to case planning and review and to administration of a foster family services system.
- A glossary of terms and a cross-reference guide has been added; the index has been deleted.

To be published in a separate but companion volume, the User's Guide is a first attempt to formalize the process a state needs to go through as it assesses its foster family services system using the revised Standards. The User's Guide presents materials according to the organization of the Standards, and is intended as a guide, not as an exhaustive description of the methodology a state should follow. In this respect, project staff expect that states will quickly be able to supplement the material in the guide with their own approaches to assessments.

6. SUMMARY AND EVALUATION OF THE PROJECT

As with the Interstate Compact project, no formal evaluation component was included in the Standards project, so it is difficult to comment on the overall impact of the project's activities. As with the Interstate Compact on the Placement of Children, however, some observations can be made.

- Seven thousand copies of the original Standards for Foster Family Services Systems were printed in 1975, and an additional 2,400 were printed in 1977 when the initial printing had been exhausted. These Standards were distributed to public and private agencies, universities, libraries, individuals, and other places in all 50 states and the several other U.S. jurisdictions. They have also been sent to a number of foreign countries. Although there is no way to know what use persons have made of their copies of the Standards, it is clear that there is a demand for such a publication. APWA and Children's Bureau staff who actually used them to provide technical assistance found that the standards were useful tools in improving the quality of services.
- It is clear that the project never reached its goals with regard to the total number of states intended to use the Standards to assess their systems. The project was well publicized and both APWA and CB staff expended considerable effort in meeting with states to encourage them to undertake assessments. Why, in light of these

efforts, states failed to participate is not clear from the records of the project.

- Project staff provided technical assistance on both a planned and an "as requested" basis. When the technical assistance led to the completion of some product--an assessment report, for example, the technical assistance had its intended result. It is more difficult, and perhaps was never intended, to assess the outcome of the many other time-limited technical assistance efforts provided by project staff. The results that the completed assessment had upon bringing about improvements in the quality of a state's services, however, have also not been ascertained, and perhaps cannot be.
- The revised Standards, although delayed in their publication, appear--to those who have reviewed them--to be an improvement over the original Standards. Comments from reviewers and the Children's Bureau grantee states already using the Standards indicate that the organization is more logical, the standards statements have been made more operational, and there is less confusion because the basic/goal dichotomy has been eliminated. The final test, however, will come after their publication when they are distributed widely and are put into use.